

REMARKS

Claims 1-24 were pending in this application.

Claims 1, 6, 7, 12, 13 and 19 have been rejected.

Claims 2-5, 8-11, 14-18 and 20-24 have been objected to.

Claims 1, 7, 13 and 19 have been amended in this Response.

Claims 1-24 remain pending in this application.

Reconsideration of Claims 1-24 is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

The Applicants thank the Examiner for the indication in section 6 of the Office Action that Claims 2-5, 8-11, 14-18 and 20-24 would be allowable if rewritten in independent form. However, because the Applicant believes that Claims 2-5, 8-11, 14-18 and 20-24 depend from allowable amended base claims, as described below, the Applicant has not rewritten Claims 2-5, 8-11, 14-18 and 20-24 in independent form.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 6, 7, 12, 13 and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,664,227 to Mauldin et al. ("*Mauldin*"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the

reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. MPEP § 2142.

Regarding the modified *Mauldin* reference, the Office Action fails to show that all elements of the amended claims are disclosed, taught, or suggested in the cited reference.

As amended, Claim 1 recites:

1. For use in an information processing system, an apparatus for automatically classifying video signals comprising:
 - a keyframe classifier for segmenting the video signals into an initial set of one or more story segments; and
 - a text classifier controller adapted for
 - providing multiple classifications of text, said text classifier reading text having a plurality of keywords contained within at least one of the story segments,
 - identifying one or more keywords within each of a first and second lines of said text,
 - in response to identifying at least one of said keywords within each said line of text, classifying each said line of text as a part of one or more classifications of said video signals that have been segmented into said at least one story segment and
 - in response to a comparison of said keywords within said first and second lines of text, identifying a keyword transition point within said at least one story segment between two adjacent portions of text. (*Emphasis added*)

The Applicants respectfully submit that the *Mauldin* reference fails to teach identifying a keyword transition point between adjacent portions of text within a video story segment in response to a comparison of keywords within first and second lines of text contained within the video story segment.

The *Mauldin* reference describes a system and method that permit skimming through video segments by creating video paragraphs on scene boundaries. *Mauldin*, col. 5, lines 10-15. The video

data is segmented into video paragraphs based upon content by locating beginning and end points for each shot, scene, conversation or the like. *Mauldin*, col. 5, lines 19-27. A representative frame is selected for each video paragraph. *Mauldin*, col. 7, lines 1-4. The audio data corresponding to a video paragraph is transcribed and keywords identified within the transcribed data. *Mauldin*, col. 7, lines 24-26 and 33-34. Portions of the audio track surrounding each keyword are then combined with the representative frames of the corresponding video segment to produce the skim output of the *Mauldin* system. *Mauldin*, col. 8, lines 31-37. Thus, the *Mauldin* reference teaches a system that identifies one or more keywords within a video segment and presents those keywords along with representative frames from the segment in order to characterize the segment for a user skimming through multiple such video segments.

In contrast, Claim 1 recites an apparatus that identifying a keyword transition point between adjacent portions of text within a video story segment in response to a comparison of keywords within first and second lines of text contained within the video story segment in order to further subdivide the video story segment. Therefore, the *Mauldin* reference does not disclose, suggest or hint at all the claim limitations of independent Claim 1. As such, the Applicants respectfully submit that Claim 1 is patentable over the *Mauldin* reference. Claim 6 depends from Claim 1, contains the limitations of Claim 1 and is, therefore, also patentable over the *Mauldin* reference. Independent Claims 7, 13 and 19 (and Claim 12, depending from Claim 7) recite analogous limitations to Claim 1 and are, therefore, also patentable over the *Mauldin* reference.

III. CONCLUSION

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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